

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 10, 2011

The Rush River Water Resource District met on October 10, 2011, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Keith Monson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Kurt Lysne, Engineer for the Board; Roland Priewe and Lloyd Knight, Amenia Township; Rodney Nelson, property owner in Amenia Township; Jonathan Garaas, Attorney for Rodney Nelson; Carl Peterson, property owner in Berlin Township and Ron Lemke, property owner in Harwood Township.

Cleanout of the lower Rush River

It was moved by Manager Hejl and seconded by Manager Monson to authorize Moore Engineering, Inc. to hire a contractor to clean out the lower branch of the lower Rush River. Upon roll call vote, the motion carried unanimously.

Amenia Township Drainage Improvement District No. 69

The Amenia Township Drainage Improvement District No. 69 Project was discussed by the Board. Kurt Lysne reviewed the project cost and assessment district breakdown. Additional minutes relating to the project are attached hereto.

Ditch block in the NE 1/4 of Section 8 in Amenia Township

Manager Hejl reported that Rodney Nelson satisfactorily installed the ditch block in the NE 1/4 of Section 8 in Amenia Township, as directed.

Rodney Nelson / George A. Loegering / John Grommesh matter in the NW 1/4 of Section 29 in Harmony Township

At the September 7, 2011, meeting, John Grommesh indicated he would remove a portion of the berm in the NW 1/4 of Section 29 in Harmony Township and permit the Water Resource District's Engineer to review and inspect the work. Rodney Nelson informed the Board that Mr. Grommesh has not removed the berm.

It was moved by Manager Hejl and seconded by Manager Monson to direct the Water Resource District Attorney to draft a letter to Mr. Grommesh stating the Board will give him until 5:00 p.m. on October 24, 2011, to remove the berm in the NW 1/4 of Section 29 in Harmony Township and that if he fails to do so, the Water Resource District will procure a contractor to remove the berm. Upon roll call vote, the motion carried unanimously.

Berlin Township Improvement District No. 70

Mr. Lysne informed the Board that the State Water Commission will consider cost share for the Berlin Township Improvement District No. 70 Project at its October 31, 2011, meeting.

Berlin-Harwood Township Improvement District No. 72

Kurt Lysne presented the preliminary assessment district for the Berlin-Harwood Township Improvement District No. 72 Project.

Additional minutes relating to the project are attached hereto.

Rush River Dam Preliminary Soils Analysis & Hydraulic Study

Mr. Lysne discussed the need for soil borings for the Rush River Dam Preliminary Soils Analysis & Hydraulic Study in Amenias Township. The following was moved by Manager Hejl and seconded by Manager Monson:

- To authorize Moore Engineering, Inc. to contact property owners for access needed for soil borings and to work with the Water Resource District Attorney to compel access, if necessary;
- To reimburse property owners \$250 per soil boring; and
- To authorize the Secretary-Treasurer to sign access agreements.

Upon roll call vote, the motion carried unanimously.

A public meeting will be held at a later date if the soil borings indicate that the site is suitable for construction of a dam.

Application to Install a Subsurface Drain #201133 and #201134 in the S 1/2 of Section 27 and the SE 1/4 of Section 26 in Berlin Township

The Board reviewed *Applications to Install a Subsurface Drain Nos. 201133 and 201134*, both dated October 23, 2011, for Ralph Peterson and Carl Peterson. The Board concluded neither application proposes drainage of statewide significance, so the Board has jurisdiction to approve both permits (without forwarding to the State Engineer's Office to consider and approve).

Application No. 201133

Under Application No. 201133, Applicant seeks to install a drain tile system in the S 1/2 of Section 27 in Berlin Township, Cass County, North Dakota. The project will include a gravity outlet that will discharge in the southeast corner to the east; the tile discharge

will flow through/under the north-south township road along the east boundary of Section 27 where the discharge will ultimately flow into the Rush River.

Chad Engels reviewed the application and indicated that because the project will flow directly into the Rush River, no *Thirty-Day Notice* is necessary under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Gwendolyn Peterson owns the S 1/2 of Section 27 in Berlin Township.

It was moved by Manager Hejl and seconded by Manager Monson to approve *Application to Install a Subsurface Drain No. 201133* dated October 23, 2011, for Ralph and Carl Peterson in the S 1/2 of Section 26 in Berlin Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into the Rush River (Applicant is solely responsible for any damages to the Rush River as a result of the tile project);
- 3) That Applicant obtain written permission from the Berlin Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through its township road;
- 4) That Applicant notify the Rush River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 5) That Applicant notify the Rush River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 6) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application No. 201134

Under Application No. 201134, Applicant seeks to install a drain tile system in that portion of the SE 1/4 of Section 26 in Berlin Township, Cass County, North Dakota, that lies north of the Rush River. The project will include a gravity outlet that will discharge directly into the Rush River. According to records on file with the Cass County Recorder's office, Gwendolyn Peterson owns the SE 1/4 in Section 26.

Mr. Engels reviewed the application and indicated that because the project will discharge directly into the Rush River, no *Thirty-Day Notice* is necessary under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

It was moved by Manager Hejl and seconded by Manager Monson to approve *Application to Install a Subsurface Drain No. 201134* dated October 23, 2011, for Ralph and Carl Peterson in the SE 1/4 of Section 26 in Berlin Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into the Rush River (Applicant is solely responsible for any damages to the Rush River as a result of the tile project);
- 3) That Applicant notify the Rush River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Rush River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201135 for Dale Rust in the SW 1/4 of Section 1 in Harmony Township

The Board reviewed *Application to Install a Subsurface Drain No. 201135* dated October 4, 2011, for Dale Rust. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without

forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the SW 1/4 of Section 1 in Harmony Township, Cass County, North Dakota. The project will include a gravity outlet that will discharge directly into the Rush River.

Mr. Engels reviewed the application and indicated that, because the project will discharge directly into the Rush River, no *Thirty-Day Notice* was necessary under N.D. Cent. Code Section 61-32-03.1, and the Board could not require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Dale Rust is the record owner of the SW 1/4 in Section 1.

It was moved by Manager Hejl, seconded by Manager Monson to approve *Application to Install a Subsurface Drain No. 201135* dated October 4, 2011, for Dale Rust in the SW 1/4 of Section 1 in Harmony Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into the Rush River (Applicant is solely responsible for any damages to the Rush River as a result of the tile project);
- 3) That Applicant notify the Rush River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Rush River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Drain #29A – berm repair in Section 3 of Berlin Township

It was moved by Manager Hejl and seconded by Manager Monson to authorize Moore Engineering, Inc. to hire a contractor to repair the washout on the Drain #29A berm in Section 3 of Berlin Township. Upon roll call vote, the motion carried unanimously.

Drain #30 – culvert repair in the SW 1/4 of Section 11 in Berlin Township

It was moved by Manager Hejl and seconded by Manager Monson to authorize Moore Engineering, Inc. to proceed with arrangements to repair the culvert on Drain #30 in the SW 1/4 of Section 11 in Berlin Township. Upon roll call vote, the motion carried unanimously.

Drain 29A

It was moved by Manager Hejl, seconded by Manager Monson to authorize the Secretary-Treasurer to call for redemption and redeem and pay on December 1, 2011, \$130,000 of the Improvement Bonds of 2000 regarding Drain #29A. Upon roll call vote, the motion carried unanimously.

Drain 52

It was moved by Manager Hejl and seconded by Manager Monson to authorize Moore Engineering, Inc. to hire a contractor to install a new 30" culvert on Drain #52 between Sections 31 and 36 of Rush River Township. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Hejl and seconded by Manager Monson to approve the minutes of the September 7, 2011, meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Monson and seconded by Manager Hejl to approve payment of Checks #3544 through #3555 and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously. The Chairman declared the motion passed.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Wolfer, seconded by Manager Monson and unanimously carried to adjourn the meeting.

APPROVED:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis

Secretary-Treasurer